

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**PLAINTIFF WSOU INVESTMENTS, LLC D/B/A BRAZOS LICENSING AND
DEVELOPMENT'S ANSWER TO COUNTERCLAIMS**

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“WSOU”) by and through its counsel of record, hereby submits its Answer in response to the allegations set forth in Defendant OnePlus Technology (Shenzhen) Co., Ltd.’s (“OnePlus”) Counterclaims (Dkt. 29) (“Counterclaims”) as follows:

GENERAL DENIAL

Unless specifically admitted below, WSOU denies each and every allegation in the Counterclaims.

COUNTERCLAIMS

1. WSOU admits that OnePlus appears to raise defenses of lack of personal jurisdiction and insufficient service of process, make allegations, and demand a jury trial. Except as expressly admitted, WSOU denies the remaining allegations of paragraph 1.

PARTIES

2. WSOU admits the allegations of paragraph 2 on information and belief.

3. WSOU states that it is a Delaware limited liability company, and admits that its principal place of business is located at 605 Austin Avenue, Suite 6, Waco, Texas 76701. Except as expressly admitted, WSOU denies the remaining allegations of paragraph 3.

JURISDICTION AND VENUE

4. WSOU admits that this Court has subject matter jurisdiction over the Counterclaims. Except as expressly admitted, WSOU denies the allegations of paragraph 4.

5. WSOU states that it is subject to personal jurisdiction in this Court. Except as expressly admitted, WSOU denies the remaining allegations of paragraph 5.

6. WSOU admits that venue is proper in this District. Except as expressly admitted, WSOU denies the remaining allegations of paragraph 6.

COUNT ONE

DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '708 PATENT

7. WSOU restates and incorporates by reference the foregoing paragraphs of this Answer as if fully set forth herein.

8. WSOU admits that its complaint alleges that OnePlus has infringed and is infringing the '708 Patent, that WSOU is the owner of the '708 Patent, and that WSOU is entitled to relief for OnePlus's infringement. WSOU admits that a justiciable controversy exists between WSOU and OnePlus. Except as expressly admitted, WSOU denies the remaining allegations of paragraph 8.

9. WSOU admits that OnePlus appears to seek a declaratory judgment under 28 U.S.C. § 2201(a). Except as expressly admitted, WSOU denies the remaining allegations of

paragraph 9.

10. WSOU denies the allegations of paragraph 10.

COUNT TWO

DECLARATORY JUDGMENT OF INVALIDITY OF THE '708 PATENT

11. WSOU restates and incorporates by reference the foregoing paragraphs of this Answer as if fully set forth herein.

12. WSOU admits that its complaint alleges that OnePlus has infringed and is infringing the '708 Patent, that the claims of the '708 Patent are valid and enforceable, that WSOU is the owner of the '708 Patent, and that WSOU is entitled to relief for OnePlus's infringement. WSOU admits that a justiciable controversy exists between WSOU and OnePlus. Except as expressly admitted, WSOU denies the remaining allegations of paragraph 12.

13. WSOU admits that OnePlus appears to seek a declaratory judgment under 28 U.S.C. § 2201(a). Except as expressly admitted, WSOU denies the remaining allegations of paragraph 13.

14. WSOU denies the allegations of paragraph 14.

PRAYER FOR RELIEF

WSOU hereby incorporates by reference the foregoing paragraphs of this Answer as if fully set forth herein. WSOU denies that OnePlus is entitled to the relief requested in paragraphs A-G of its Prayer for Relief and denies the allegations therein.

JURY DEMAND

WSOU demands a jury trial on all issues raised by OnePlus's Counterclaims.

Dated: August 12, 2021

RESPECTFULLY SUBMITTED,

By: /s/ Jonathan K. Waldrop
Jonathan K. Waldrop (CA Bar No. 297903)
(Admitted in this District)
jwaldrop@kasowitz.com
Darcy L. Jones (CA Bar No. 309474)
(Admitted in this District)
djones@kasowitz.com
Marcus A. Barber (CA Bar No. 307361)
(Admitted in this District)
mbarber@kasowitz.com
John W. Downing (CA Bar No. 252850)
(Admitted in this District)
jdowning@kasowitz.com
Heather S. Kim (CA Bar No. 277686)
(Admitted in this District)
hkim@kasowitz.com
Jack Shaw (CA Bar No. 309382)
(Admitted in this District)
jshaw@kasowitz.com
KASOWITZ BENSON TORRES LLP
333 Twin Dolphin Drive, Suite 200
Redwood Shores, California 94065
Telephone: (650) 453-5170
Facsimile: (650) 453-5096

Mark D. Siegmund (TX Bar No. 24117055)
mark@waltfairllc.com
LAW FIRM OF WALT FAIR, PLLC
1508 N. Valley Mills Drive
Waco, TX 76710
Telephone: (254) 772-6400
Facsimile: (254) 772-6432

Attorneys for Plaintiff
WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on August 12, 2021, pursuant to Local Rule CV-5, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on all parties who have appeared in this case.

/s/ Jonathan K. Waldrop
Jonathan K. Waldrop